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Practitioner's Docket No. 1576.89

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIYAZAWA, Yasuyuki
Application No.: 09/869,458 Group No.: n/a
Filed: June 26, 2001 Examiner: n/a
For: PROCESS FOR PRODUCING ACRYLIC ACID DERIVATIVE

RECEIVED

15 FEB 2002

Legal staff
International Division

Assistant Commissioner for Patents
Washington, DC 20231

Attention: PCT Legal Office

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EV 032345612 US
Date of Deposit: February 13, 2002

I hereby state that the following *attached* paper or fee

- Renewed Petition Under 37 CFR Section 1.182 (in duplicate)
- Declaration of Inventor Executed on 31 January 2002
- Express Mail Certificate
- Post Card

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

Lia H. Costello, Legal Assistant


Signature of person mailing paper or fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIYAZAWA, Yasuyuki

Application No.: 09/869,458

Group No.: n/a

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Box PCT

Assistant Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

Attention: PCT Legal Office

RENEWED PETITION UNDER 37 C.F.R. SECTION 1.182
TO CORRECT INVENTOR'S NAME

1. Applicant hereby petitions to correct the true name of the inventor Yutaka ISHII in lieu of the name appearing in the International Publication of Hiroshi ISHII.

CERTIFICATION UNDER 37 C.F.R. Sections 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


37 C.F.R. section 1.8(a)

37 C.F.R. section 1.10*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Address"
Mailing Label No. EV 032345612 US

Date: Feb. 13, 2002


Signature

Lia H. Costello, Legal Assistant

2. Applicants submit that a timely filed declaration was filed with the original filed national stage papers. The U.S. Designated/Elected Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371. The notification stated in part that the current declaration does not comply with 37 C.F.R. 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. There was no attached PCT/DO/EO/917 form. This was confirmed by Vonda Wallace. Ms. Wallace indicated that because the name on the oath submitted with the national stage papers was different than that appearing on the International Publication, then the declaration was not signed by an actual inventor as required by 37 C.F.R. 1.497(b)(1). A copy of the Notification of Missing Requirements is attached.

When advised the Yutaka ISHII is an actual inventor and the same person as on the International Publication, and that the error in the Publication was due to WIPO's erroneous translation of a Chinese character, Ms. Wallace advised the undersigned to simply submit an affidavit explaining that the inventor named in the declaration is the same as the inventor listed in the Publication.

Page 3 of the declaration originally filed with the national stage papers did have a typographical error wherein the priority document JP 377353/1998 was shown as December 28, 1998 when the correct date was December 29, 1998. Even with this error, the declaration technically still met the requirements of 37 C.F.R. 1.497(b)(1), assuming the inventor name appearing in the declaration is the actual, true and correct name and the same person listed in the International Publication. A copy of the originally filed declaration is attached.

Applicants resubmitted a new declaration with the correct priority date to supplement the original declaration. A copy is attached.

Applicants also submitted a "Completion of Filing Requirement" on October 4, 2001 and requested that the surcharge of \$130.00 be taken from the deposit account noted on page 2 of the "Completion of Filing Requirements" form. See the attached form.

Applicants filed a "Renewed Petition Under 37 C.F.R. Section 1.182 To Correct Inventor's Name" on January 2, 2002. The renewed petition was dismissed without prejudice because although the Legal Examiner agreed that the owner assignee of the invention represented by the supervisor of the inventor Ishii had submitted an acceptable statement, he deemed that the inventor Ishii had not set forth a statement explicitly stating that the mistake was an inadvertent error without deceptive intent. [This dismissal was surprising as the Legal Examiner had indicated to the undersigned before the filing of the January 2, 2002 Renewed Petition that it would be acceptable for either the inventor or the supervisor of the inventor to provide the required statement.]

Nevertheless, Applicants herein resubmit not only the statement of the supervisor which has already been deemed acceptable but also submits a new declaration of the inventor with the specific statement required by the Legal Examiner.

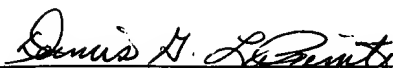
3. Applicants petition that the Office accept the originally filed declaration as a timely filed declaration signed by the actual inventors as required by 37 C.F.R. 1.497(b)(1).
4. Applicants petition that the Office accept the declaration filed on October 4, 2001 as a properly filed Supplemental declaration to correct the priority date.
5. Applicants petition that the surcharge fee instead be applied to the petition fee; otherwise the Fee

required under 37 CFR Section 1.17(h) of \$130.00 should be charged to Deposit Account No. 13-1992. A duplicate copy of this request is attached.

Date: 2/13/02

Reg. No.: 40,693
Tel. No.: 727-538-3800
Customer No.: 24040

1576C89.RenewedPetition2.021202.doc



Signature of Practitioner

Dennis G. LaPointe
Mason & Associates, P.A.
17757 US Hwy 19 N., Suite 500
Clearwater, FL 33764

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MIYAZAWA et al.)	
)	
S.N.: 09/869,458)	Examiner: UNKNOWN
)	
I.A. FILING DATE: 28 DEC 99)	Art Unit: UNKNOWN
)	
For: PROCESS FOR PRODUCING)	
ACRYLIC ACID DERIVATIVE)	
)	

DECLARATION OF INVENTOR

Box Patent Application
Commissioner of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

I, Yutaka ISHII, declare and state:

I am one of the co-inventors of the above-identified patent application and I am the same person listed as an inventor in PCT Publication WO00/40537 as "Hiroshi ISHII."

My true name is "Yutaka ISHII" and that for the reasons described below, the listing in the PCT publication is in fact myself; but due to a translation problem, the name "Hiroshi ISHII" was listed and that the error did not come to my attention or the attention of my supervisor until after the publication.

Please note that my name as an inventor in the basic Japanese patent application was shown by ideogram (Chinese letter), which can be properly read as "Yutaka ISHII"; however, the same ideogram can be popularly read as "Hiroshi ISHII." The person who apparently made the PCT application made a mistake by reading the ideogram as "Hiroshi ISHII" without confirming the reading of the name with me or my supervisor.

I DECLARE THAT THE ERROR WAS INADVERTENT AND MADE WITHOUT ANY DECEPTIVE INTENT. IN FACT, THE ERROR WAS OUTSIDE MY CONTROL.

I respectfully requests that the USPTO accept my declaration under my proper name of "Yutaka ISHII."

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or of any patent issuing therefrom.

Dated: 31, Jan, 2002

Yutaka Ishii

Yutaka ISHII

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MIYAZAWA et al.)	
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S.N.: 09/869,458)	Examiner: UNKNOWN
)	
I.A. FILING DATE: 28 DEC 99)	Art Unit: UNKNOWN
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For: PROCESS FOR PRODUCING)	
ACRYLIC ACID DERIVATIVE)	
_____)	

DECLARATION OF INVENTOR'S SUPERVISOR

Box Patent Application
Commissioner of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

I, Keiichi TsukaShima, declare and state:

I am the manager of the laboratory in which Yutaka
ISHII is employed.

Yutaka ISHII is in fact one of the co-inventors of the
above-identified patent application and he is the same person
listed as an inventor in PCT Publication WO00/40537 as "Hiroshi
ISHII."

His true name is "Yutaka ISHII" and that for the
reasons described below, the listing in the PCT publication is in
fact "Yutaka ISHII"; but due to a translation problem, the name

"Hiroshi ISHII" was listed and that the error did not come to his attention or the attention of myself until after the publication, when noticed by the USPTO.

Please note that his name as an inventor in the basic Japanese patent application was shown by ideogram (Chinese letter), which can be read as "Yutaka ISHII"; however, the same ideogram can be popularly read as "Hiroshi ISHII." The International Bureau of WIPO, in preparing the publication and making the translation from the Chinese ideograms, apparently made a mistake by reading the ideogram as "Hiroshi ISHII" without confirming the reading of the name with me or Yutaka ISHII. I had not noticed the error until the USPTO noted the error.

I DECLARE THAT THE ERROR WAS INADVERTENT AND MADE WITHOUT ANY DECEPTIVE INTENT ON THE PART OF MYSELF OR THE INVENTOR. IN FACT, THE ERROR WAS OUTSIDE OUR CONTROL.

I respectfully requests that the USPTO accept the declaration of inventor under the proper name of "Yutaka ISHII."

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or of any patent issuing therefrom.

Dated: 14, Dec. 2001

Keiichi Tsukamoto

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